

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**March 18, 2004**

DIVISION ONE

B166185      American Insurance Protection Company      (Not for Publication)  
                 v.  
                 John Swidrack  
                 Andres Pineda, et al.

The order denying the application to intervene and striking the complaint in intervention is reversed, and the cause is remanded with directions to the trial court to deem the complaint in intervention filed as of January 22, 2003, and to set the matter back on track for trial. Pineda is entitled to his costs on appeal.

Vogel (Miriam A.), J.

We concur:    Spencer, P.J.  
                 Mallano, J.

B170199      Los Angeles County, D.C.S.      (Not for Publication)  
                 v.  
                 Leticia N.

The order is affirmed.

Mallano, J.

We concur:    Spencer, P.J.  
                 Ortega, J.

March 18, 2004 (Continued)

## DIVISION THREE

B166728      People      (Not for Publication)  
v.  
Kinard

The judgment is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Aldrich, J.

B164112      Mary Ann Jordan      (Certified for Publication)  
v.  
Allstate Insurance Company

The judgment is reversed. This matter is remanded for further proceedings consistent with the views expressed herein. Jordan shall recover her costs on appeal.

Croskey, J.

We concur: Klein, P.J.  
Kitching, J.

## DIVISION FOUR

Court convened at the University of California Los Angeles, School of Law at 9:00 a.m.

Present: Epstein, Acting P.J., Hastings, J., Curry, J. and S. Veverka, Deputy Clerk.

Each of the following:

B167389 People v. Calbert  
B162608 People v. Ranger Insurance Company  
B161009 People v. Yanez  
B167779 People v. Hilu  
B170060 DCFS v. Denise C.

Argument waived, cause submitted.

DIVISION FOUR (Continued)

B170218 Larian

v.

Superior Court, Los Angeles County  
(Human Resources Contract Services, r.p.i.)

Merits:

Argued by James L. Seal for petitioner. Counsel for real party in interest waived oral argument. Cause submitted.

B161680 Roper, et al.

v.

TIG Insurance Company

Merits:

Argued by Steven J. Cote for appellants and by Julie A. Covell for respondent. Cause submitted.

B166247 Rosen

v.

Franklin Mint Company

Merits:

Argued by Bruce N. Graham for appellant and by David C. Nelson for respondent. Cause submitted.

B169719 Los Angeles County, D.C.S.

v.

Frank L. and Regina L.

Merits:

Argued by Andre F.F. Toscano for appellant Frank L., by Marsha F. Levine for appellant Regina L. and by Alene Torrosian, deputy county counsel for respondent. Cause submitted.

DIVISION FOUR (Continued)

B162703     Riedel  
              v.  
              Riedel

Merits:

Argued by Lisa Fisher for appellant and by Thomas E. Beltran for respondent. Cause submitted.

B168199     Professional Collection Consultants, Inc.  
              v.  
              Griffis, et al.

Merits:

Argued by Joseph N. Naus for appellant and by William James Beverly and Walter Weiss for respondents. Cause submitted.

Court in recess.

Court reconvened at 1:30 P.M.

Present: Epstein, Acting P.J., Hastings, J., Curry, J. and S. Veverka, Deputy Clerk.

B158265     Stanton  
              v.  
              Fleischman Revocable Intervivos Trust

Merits:

Argued by Marc L. Sallus for appellant and by Joseph R. Zamora for respondent. Cause submitted.

B161671     Dominguez, et al.  
              v.  
              Home Depot USA, Inc., et al.

Merits:

Argued by Andrea Lynn Rice for appellants and by Vincent Bennett for respondents. Cause submitted.

March 18, 2004 (Continued)

## DIVISION FOUR (Continued)

B164995      Gonzalez, et al.  
v.  
MONY Life Insurance Company, et al.

Merits:  
Argued by Robert B. Silverman for appellants and by Peter H. Mason for respondent MONY Life Insurance and Laurence F. Dunn III for respondent Orozco. Cause submitted.

Court adjourned.

## DIVISION SIX

B169570 Human Services Agency (Not for Publication)  
v.  
Richard C., et al.

The order is affirmed.

Gilbert, P.J.

We concur: Yegan, J.  
Perren, J.

B165232 People (Not for Publication)  
v.  
Palomo

The judgment is affirmed.

Perren, J.

We concur:    Gilbert, P.J.  
                         Coffee, J.

## March 18, 2004 (Continued)

## DIVISION SIX (Continued)

B167262      Harris      (Not for Publication)  
v.  
Harris

The orders are reversed and the matter remanded for further proceedings. Neither party shall recover costs on appeal.

Gilbert, P.J.

We concur: Coffee, J.  
Perren, J.

B162351      Lopez      (Not for Publication)  
v.  
Via Rubio L.L.C.

The judgment is affirmed. Respondents shall recover their costs on appeal. In addition, respondents are entitled to attorney fees on appeal, in an amount to be determined on noticed motion in the trial court.

Perren, J.

We concur: Gilbert, P.J.  
Yegan, J.

B167861 People (Not for Publication)  
v.  
Lemus, et al.

The judgments of conviction are affirmed.

Coffee, J.

We concur: Gilbert, P.J.  
Perren, J.

DIVISION SIX (Continued)

B170922      Dept. of Alcoholic Beverage Control      (Not for Publication)

v.

Alcoholic Beverage Control Appeals Board,  
7-Eleven, Inc., et al.

The Board's decision is reversed. The Department's decision suspending licensees' off-sale beer and wine license is affirmed. The Department is entitled to recover its costs in this writ proceeding.

Yegan, J.

We concur:   Gilbert, P.J.  
                     Perren, J.

B161915      People      (Not for Publication)

v.

Alonso

The judgment is affirmed.

Gilbert, P.J.

We concur:   Yegan, J.  
                     Coffee, J.

B168884      Ventura County Human Services Agency      (Not for Publication)

v.

Chantel W., et al.,

In re T.C. et al., Persons Coming Under the Juvenile Court Law

The judgment (order terminating parental rights) is affirmed.

Coffee, J.

We concur:   Gilbert, P.J.  
                     Perren, J.

## DIVISION SIX (Continued)

B164906 People (Not for Publication)  
v.  
Geise, Jr.

The felony-murder special circumstances are reversed, the sentence of LWOP for the first degree murder conviction on count 1 is reversed, and the case is remanded for further proceedings. If the district attorney does not elect to retry appellant on the special circumstance allegations, the court shall resentence appellant to 25 years to life on count 1, the statutorily mandated term for first degree murder without special circumstances.

Coffee, J.

We concur: Gilbert, P.J.  
Perren, J.

B164659 People  
v.  
Sheppard

Filed order denying petition for rehearing.

## DIVISION SEVEN

B162074 People (Not for Publication)  
v.  
Howard

The judgment is reversed with respect to the life sentence imposed on the attempted murder count and the sentence of 25 years to life imposed on the second rape count, and the matter is remanded for resentencing on those counts. In all other respects, the judgment is affirmed.

Perluss, P.J.

We concur: Woods, J.  
Zelon, J.



DIVISION SEVEN (Continued)

B165669      Chaffee      (Not for Publication)

v.

Sprint/United Management Company

Judgment in favor of Sprint is reversed. On remand the trial court shall (1) enter an order of summary adjudication as to Chaffee's claims for wrongful termination in violation of the public policies contained in the FMLA and CFRA; (2) enter an order of summary adjudication as to Chaffee's claims for breach of contract, breach of the implied covenant of good faith and fair dealing and fraud; and (3) conduct further proceedings not inconsistent with this opinion. The judgment in favor of Robertson is affirmed. Sprint and Chaffee shall bear its and her own costs on appeal. Robertson is to recover his costs on appeal.

Perluss, P.J.

We concur:    Woods, J.  
                      Zelon, J.

B169304      People      (Not for Publication)

v.

Roland

The judgment is affirmed.

Perluss, P.J.

We concur:    Woods, J.  
                      Zelon, J.

B168057      Estate of Portillo      (Not for Publication)

v.

Robinson Helicopter Co., Inc.

The judgment is reversed and remanded for trial. Appellants to recover costs on appeal.

Woods, J.

We concur:    Johnson, Acting P.J.  
                      Zelon, J.

## DIVISION SEVEN (Continued)

B165053 Hoffman (Not for Publication)  
v.  
Del Rivo

The judgment is reversed, and the matter is remanded for further proceedings not inconsistent with this opinion. The Hoffmans are to recover their costs on appeal.

Perluss, P.J.

We concur: Woods, J.  
Zelon, J.

B169134      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Michelle G.  
In re Samuel D., a Minor

The orders are affirmed.

Woods, J.

We concur: Perluss, P.J.  
Johnson, J.

B159508 Academy of Motion Picture Arts  
v.  
Olsen

Petition for rehearing denied.